

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 4 and 20 are requested to be cancelled. Claims 1, 5, 12, 17 and 21 are currently being amended and Claims 27-28 are being added. No new matter is being added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, Claims 1-3, 5-19 and 21-28 are now pending in this application.

I. Claims Rejections under 35 U.S.C. § 103

On page 2 of the Office Action, claims 1-4, 6-8, 10-20 and 22-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,091,343 (Dykema) in view of U.S. Patent No. 6,980,117 (Kirkland '117).

The Examiner stated that:

Dykema discloses a wireless control system (via remote control system operated by trainable transmitter 43) for wireless control of a remote electronic system being a garage door opener (See Col. 3, lines 16-20), comprising:

a computer coupled to a vehicle interior element (see figure 1);

a trainable transmitter circuit configured to transmit a wireless control signal having control data which will control the remote electronic system (via transmitting circuitry on trainable transmitter 43 to transmit signals to operate a garage door (See Col. 8, lines 53-59 and Col. 5, lines 1-4);

a receiver circuit to receive a wireless signal (via receiving antenna 130, See Col. 5, lines 59-65); and

a control circuit coupled to the trainable transmitter circuit and the receiver circuit configured to transmit the wireless control signal through the trainable transmitter circuit and to receive the wireless signal through the receive circuit (via controller 110 coupled to the transmitter and the receiver, See Figure 5).

However, the Examiner acknowledged that Dykema does not disclose:

the receiver circuit is further configured to receive a wireless status signal including status data for the remote electronic system sent in response to the wireless control signal; and the control circuit is configured to receive the wireless status signal through the receiver circuit.

The Examiner stated that Kirkland '117 teaches:

a remote door monitoring system comprising a sensor and a transmitter on an automatic garage door. A transmitter assembly senses and transmits the sensed position of the door position in a periodic manner at a predetermined transmit interval to a remote receiver. A remote receiver including a receiver module receives the transmitted door position signals and outputs the result to a user. (See the Abstract and Figures 1 and 2; Col. 2, line 66-Col.3, line 37).

The Examiner concluded that

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Dykema to include the receiver circuit is further configured to receive a wireless status signal including status data for the remote electronic system sent in response to the wireless control signal; and the control circuit is configured to receive the wireless status signal through the receiver circuit in order to know the position of the garage door as taught by Kirkland to use a wireless transmitter to know the status of a movable barrier, thereby improving the security of the system.

Applicants respectfully traverse the rejection.

Independent Claim 1, as amended, would not have been obvious in view of Dykema, alone or in any proper combination with Kirkland '117 under 35 U.S.C. § 103(a). Dykema alone or in any proper combination with Kirkland '117 does not disclose, teach or suggest a “wireless control system for mounting in a vehicle for wireless control of a remote electronic system” comprising, “[a] wireless control system [that] is configured to be placed in a receiving mode in response to the user input to actuate the remote electronic system ... and a control circuit coupled to the operator input device, the trainable transmitter circuit and the receiver circuit, the control circuit being configured ... to place the wireless control system in the receiving mode in response to the user input to actuate the remote electronic system” as recited in claim 1, as amended.

Dykema is directed to a trainable transmitter that is capable of learning and replicating AM and FM signals. (Dykema, Abstract). As already acknowledged by the Examiner, Dykema does not disclose a “receiver circuit [that] is further configured to receive a wireless status signal including status data for the remote electronic system sent in response to the wireless control signal; and the control circuit is configured to receive the wireless status signal through the receiver circuit.”

Kirkland '117 was filed on January 20, 2004, whereas the present application was filed as a PCT Application on October 20, 2003 and claims priority to provisional application 60/419,451, filed on October 18, 2002. Kirkland '117 is a continuation-in-part (CIP) of U.S. Publication No. 2002/0180600 (Kirkland '600), which was filed on May 29, 2001 and later abandoned. Applicants respectfully submit that Kirkland '117, as a CIP of Kirkland '600, contains matter that is not available as prior art for the present application. Applicants respectfully request that the Examiner rely on Kirkland '600 rather than Kirkland '117 to remove any confusion as to the priority date of the subject matter used in the rejection. If the Examiner continues to maintain the rejection using Kirkland '117, Applicants respectfully request that the Examiner cite to portions of the Kirkland '600 that provide support for the subject matter relied on in Kirkland '117.

Both Kirkland '117 and Kirkland '600 appear to be directed to a “remote monitoring system for determining and transmitting information indicating the status of a door movable to a plurality of positions.” (Kirkland '600, Abstract; see also Kirkland '117, Abstract). More specifically, Kirkland '117 and Kirkland '600 appear to be directed to a one way communication system that includes a transmitter coupled to a sensor on the garage door and a portable receiver. (Kirkland '600, Abstract; Kirkland '117, Abstract). The transmitter is configured to transmit a signal at a predetermined interval and the receiver is configured to be energized at a predetermined interval in order to receive the signal from the transmitter. (Kirkland '600, Paragraph [0007]; Kirkland '117, Abstract). The receiver is energized at the predetermined interval (to coincide with the transmitter) because the portable receiver has a self-contained battery power supply and the device “must provide for reliability, compliance with FCC laws and regulations and energy conservation to maximize battery life.” (Kirkland '600, Paragraph [0007]; see also Kirkland '117, Col. 1 lines 59-67). Energizing a portable receiver at a predetermined interval in a one way communication system is not the same as a “wireless control system for mounting in a vehicle for wireless control of a remote electronic system” comprising, “[a] wireless control system [that] is configured to be **placed in a receiving mode in response to the user input to actuate** the remote electronic system ... and a control circuit coupled to the operator input device, the trainable transmitter circuit and the receiver circuit, the control circuit being configured ... to place the wireless control system in the receiving mode in response to the user input to actuate the remote electronic system” as recited in claim 1, as amended.

Independent Claim 12 recites a “method of receiving status information from a remote electronic system” comprising “placing the trainable transceiver in a receiving mode in response to receiving the user input to actuate the remote electronic system; and receiving a wireless status signal from the remote electronic system in response to the transmittal of the wireless control signal.” Applicants respectfully submit that Dykema and Kirkland do not disclose, teach or suggest the control system of Claim 12 for reasons similar to those provided with respect to independent Claim 1.

Independent Claim 17 recites a “wireless control system for mounting in a vehicle” comprising a “[a] wireless control system [that] is configured to be placed in a receiving mode in response to the user input to actuate the garage door opener ... and a control program ... configured to receive the user input from the operator input device ... to place the wireless control system in receiving mode in response to the user input to actuate the garage door and to receive data from the wireless status signal.” Applicants respectfully submit that Dykema and Kirkland do not disclose, teach or suggest the control system of Claim 17 for reasons similar to those provided with respect to independent Claim 1.

To transform Dykema and Kirkland (‘117 or ‘600) into the subject matter of Claims 1, 12 and 17 would require still further modification, and such modification is taught only by the Applicants’ own disclosure. Thus, Claims 1, 12 and 17, considered as a whole, would not have been obvious in view of Dykema and/or Kirkland (‘117 or ‘600).

The rejection of Claims 1, 12 and 17 over Dykema in view of Kirkland (‘117 or ‘600) under 35 U.S.C. § 103(a) is improper. Therefore, Claims 1, 12 and 17 are patentable over Dykema in view of Kirkland (‘117 or ‘600).

Dependent Claims 2-4, 6-8 and 10-11, which depend from independent Claim 1, are also patentable for at least the same reasons as Claim 1. Dependent Claims 13-16, which depend from independent Claim 12, are also patentable for at least the same reasons as Claim 12. Dependent Claims 18-20 and 22-23, which depend from independent Claim 17, are also patentable for at least the same reasons as Claim 17.

On page 5 of the Office Action, Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Dykema in view of Kirkland (‘117 or ‘600) and further in view of U.S. Patent No. 5,896,575 (Higginbotham).

Dependent Claim 24, which depends from independent Claim 17, is also patentable Dykema and Kirkland (‘117 or ‘600) for at least the same reasons as Claim 17. The citation to

Higginbotham does not remedy the deficiencies noted in regard to Claim 17. Thus, Claim 24 is also patentable.

On page 6 of the Office Action, Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Dykema in view of Kirkland ('117 or '600) and further in view of U.S. Patent No. 6,426,820 (Verzulli).

Dependent Claim 9, which depends from independent Claim 1, is also patentable over Dykema and Kirkland ('117 or '600) for at least the same reasons as Claim 1. The citation to Verzulli does not remedy the deficiencies noted in regard to Claim 1. Thus, Claim 9 is also patentable.

On page 7 of the Office Action, Claims 25-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dykema in view of Kirkland ('117 or '600) and further in view of U.S. Patent No. 5,905,433 (Wortham).

Dependent Claims 25-26, which depend from independent Claim 17, are also patentable over Dykema and Kirkland ('117 or '600) for at least the same reasons as Claim 17. The citation to Wortham does not remedy the deficiencies noted in regard to Claim 17. Thus, Claims 25-26 are also patentable.

On pages 7-8 of the Office Action, Claims 5 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dykema in view of Kirkland ('117 or '600) and further in view of U.S. Patent No. 6,028,537 (Suman).

Dependent Claim 5, which depends from independent Claim 1, is also patentable over Dykema and Kirkland ('117 or '600) for at least the same reasons as Claim 1. The citation to Suman does not remedy the deficiencies noted in regard to Claim 1. Thus, Claim 5 is also patentable.

Dependent Claim 21, which depends from independent Claim 17, is also patentable Dykema and Kirkland ('117 or '600) for at least the same reasons as Claim 17. The citation to Suman does not remedy the deficiencies noted in regard to Claim 17. Thus, Claim 21 is also patentable.

Accordingly, Applicants respectfully request withdrawal of the rejection of Claims 1-26 under 35 U.S.C. § 103(a).

II. New Claims

Claim 27 depends from independent Claim 1 and is allowable for at least the same reasons as Claim 1.

With respect to Claim 27, Dykema taken alone or in any proper combination with Kirkland ('117 or '600) does not disclose, teach or suggest “wherein the wireless status signal indicates whether the remote electronic system failed to actuate and a reason for the failure to actuate” as recited in Claim 27. (See Present Application at paragraphs [0017], [0030] and [0032]).

Claim 28 depends from independent Claim 12 and is allowable for at least the same reasons as Claim 12.

With respect to Claim 28, Dykema taken alone or in any proper combination with Kirkland ('117 or '600) does not disclose, teach or suggest “wherein the wireless status signal indicates whether the remote electronic system failed to actuate and a reason for the failure to actuate” as recited in Claim 28. (See Present Application at paragraphs [0017], [0030] and [0032]).

Since Dykema and/or Kirkland ('117 or '600) do not disclose, teach or suggest the limitation of Claims 27-28, Applicant respectfully requests allowance of Claims 27-28 as presented.

* * *

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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